IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Attorney Docket No.: **Google-47 (GP-108-00-US)**

Appl. No.: **10/614,736**

Applicant/Appellant: **Georges R. HARIK**

Filed: **June 30, 2003**

Title: **SERVING ADVERTISEMENTS USING A SEARCH OF ADVERTISER WEB INFORMATION**

TC/A.U.: **2168**

Examiner: **Debbie M. Le**

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S I R:

APPEAL BRIEF

Further to the Notice of Appeal filed on August 18, 2008, which set a period for response to expire on October 18, 2008, that period being extended three (3) months to expire on January 18, 2009, the appellant requests that the Board reverse all outstanding grounds of rejection in view of the following.

Adjustment date: 01/22/2009 VBUI11
07/25/2006 MBELETE1 00000020 10614736
02 FC:1402   -500.00 OP

01/22/2009 VBUI11   00000070 501049   10614736
01 FC:1402   40.00 DA   500.00 OP

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I. Real Party In Interest

The real party in interest is Google, Inc. An assignment of the above-referenced patent application from the inventors to Google, Inc. was recorded in the Patent Office starting at Frame 0390 of Reel 017085.

II. Related Appeals and Interference

An Appeal Brief was filed with the U.S. Patent and Trademark Office on November 15, 2006 in connection with the present application. In view of the Appeal Brief filed, prosecution of the application was reopened by Examiner Le and new grounds of rejection (citing new references) were applied. (See Paper No. 20070205, page 2.)

III. Status of Claims

Claims 2-16 and 23-43 are pending. Claims 1, 17-22 and 44-49 have been canceled.

Claims 2-16 and 23-43 stand rejected. More specifically, claims 6-16, 23-28 and 33-43 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,007,074 ("the Radwin patent") in view of U.S. Patent No. 7,225,182 ("the Paine patent"), and claims 2-5 and 29-32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Radwin and Paine patents and further in view of U.S. Patent No. 5,915,249 ("the Spencer patent").

The foregoing rejections of claims 2-16 and 23-43 are appealed.

IV. Status of Amendments

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There have been no amendments subsequent to the final Office Action (Paper No. 20080410).

V. Summary of the Claimed Subject Matter

Exemplary embodiments, consistent with the claimed invention, may be useful, for example, to allow owners of web content to target ads and/or to advertise their products and services *without requiring them to enter and/or maintain certain targeting information, such as targeting keywords* for example. (See page 5, lines 1-10 of the Specification.) This is particularly useful for automatically determining ads to be served in association with search results pages since indexing, search query, and/or search engine infrastructure and technology can be leveraged. (See page 25, lines 21-24 of the Specification.)

Independent claim 6 recites a method comprising (a) accepting a search query (This is supported, for example, by 410 and 440 of Figure 4, page 16, lines 16-24, 610 of Figure 6, and page 20, lines 5 and 6.), (b) searching, using information from the search query, a searchable data structure including advertiser Web page information to generate advertisement search results (This is supported, for example, by 440 and 460 of Figure 4, page 16, lines 25-30, 620 of Figure 6, and page 20, lines 6-9.), (c) accepting the advertisement search results (This is supported, for example, by document URL in 464 of Figure 4, page 16, line 30 through page 17, line 1, 630 of Figure 6, and page 20, line 9.), and (d) retrieving, automatically, independent of end user acts, and responsive to the search query, at least one advertisement

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using at least a portion of the accepted advertisement search results (This is supported, for example, by 420, 470, 472 and 480 of Figure 4, page 17, lines 4-14, 640 of Figure 6, and page 20, lines 10 and 11.), wherein the at least one advertisement is retrieved from a set of advertiser information, the set of advertiser information including information identifying advertiser Web pages (This is supported, for example, by 420, 470, 472 and 480 of Figure 4, page 17, lines 4-14, page 19, lines 8-25, 640 of Figure 6, and page 20, lines 10 and 11.), and wherein the searchable data structure including advertiser Web page information is generated from information automatically extracted exclusively from the identified advertiser Web pages without the need for expressly entered advertiser entered targeting information (This is supported, for example, by 460, 462, 470 and 472 of Figure 4, 510 and 520 of Figure 5, page 5, lines 7-13, page 19, lines 8-25, and page 20, line 19 through page 21, line 6.).

Independent claim 10 recites a method comprising (a) accepting a search query (This is supported, for example, by 410 and 440 of Figure 4, page 16, lines 16-24, 610 of Figure 6, and page 20, lines 5 and 6.), (b) searching, using information from the search query, a searchable data structure including advertiser Web page information to generate advertisement search results (This is supported, for example, by 440 and 460 of Figure 4, page 16, lines 25-30, 620 of Figure 6, and page 20, lines 6-9.), (c) accepting the advertisement search results (This is supported, for example, by document URL in 464 of Figure 4, page 16, line 30 through page 17, line 1, 630 of Figure 6, and page 20, line 9.), and (d) retrieving, automatically, independent of end user acts,

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and responsive to the search query, at least one advertisement using at least a portion of the accepted advertisement search results (This is supported, for example, by 420, 470, 472 and 480 of Figure 4, page 17, lines 4-14, 640 of Figure 6, and page 20, lines 10 and 11.), wherein the searchable data structure includes entries, each entry including a term automatically and exclusively extracted from the advertiser Web page information and one or more Web page identifiers (This is supported, for example, by 460, 462, 470 and 472 of Figure 4, 510 and 520 of Figure 5, page 5, lines 7-13, page 19, lines 8-25, and page 20, line 19 through page 21, line 6.), and wherein the act of retrieving at least one advertisement using at least a portion of the accepted advertisement search results uses Web page identifiers included in the advertisement search results to lookup an advertisement having a landing page corresponding to at least one of the Web page identifiers (This is supported, for example, by 420, 470, 472 and 480 of Figure 4, page 17, lines 4-14, page 19, lines 8-25, 640 of Figure 6, and page 20, lines 10 and 11.).

Independent claim 13 recites a method comprising (a) accepting a search query (This is supported, for example, by 410 and 440 of Figure 4, page 16, lines 16-24, 610 of Figure 6, and page 20, lines 5 and 6.), (b) searching, using information from the search query, a searchable data structure including advertiser Web page information to generate advertisement search results (This is supported, for example, by 440 and 460 of Figure 4, page 16, lines 25-30, 620 of Figure 6, and page 20, lines 6-9.), (c) accepting the advertisement search results (This is supported, for example, by document URL in 464 of Figure 4, page 16, line 30 through

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page 17, line 1, 630 of Figure 6, and page 20, line 9.), and
(d) retrieving, automatically, independent of end user acts,
and responsive to the search query, at least one advertisement
using at least a portion of the accepted advertisement search
results (This is supported, for example, by 420, 470, 472 and
480 of Figure 4, page 17, lines 4-14, 640 of Figure 6, and
page 20, lines 10 and 11.), wherein the acts of searching the
searchable data structure and retrieving at least one
advertisement may be performed without consideration of
expressly entered targeting information (This is supported,
for example, by 460, 462, 470 and 472 of Figure 4, 510 and 520
of Figure 5, page 5, lines 7-13, page 19, lines 8-25, and page
20, line 19 through page 21, line 6.).

Independent claim 23 recites a search engine
comprising (a) a first index including information derived
from Web pages of the World Wide Web (This is supported, for
example, by 450 of Figure 4, page 17, line 25 through page 19,
line 7, 720 of Figure 7, and page 23, line 11 through page 24,
line 14.), (b) a second index including information
automatically derived exclusively from Web pages of
advertisers without the need for expressly entered advertiser
entered targeting information (This is supported, for example,
by 460 and 462 of Figure 4, page 5, lines 7-13, page 16, lines
27-30 and page 19, lines 8-25, 720 of Figure 7, and page 23,
line 11 through page 24, line 14.), and (c) a query processor
to accept (1) a search query, (2) obtain search results to the
search query using the first index, (3) obtain advertisements,
automatically, independent of end user acts, and responsive to
the search query, using the second index, and (4) output the
obtained search results and the obtained advertisements (This
is supported, for example, by 420 and 440 of Figure 4, page

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16, lines 25-30, 610, 620, 630 and 640 of Figure 6, page 20,
lines 3-13, 710 of Figure 7, and page 23, line 11 through page
24, line 14.),

Independent claim 24 recites an apparatus comprising
(a) a storage facility (This is supported, for example, by 720
of Figure 7, and page 23, line 11 through page 24, line 3.)
including (1) advertisement information including ads (This is
supported, for example, by 470 and 472 of Figure 4, page 17,
lines 4-14.), and (2) a searchable data structure including
advertiser Web page information generated from information
automatically and exclusively extracted from the identified
advertiser Web pages without the need for expressly entered
advertiser entered targeting information (This is supported,
for example, by 460, 462, 470 and 472 of Figure 4, 510 and 520
of Figure 5, page 5, lines 7-13, page 19, lines 8-25, and page
20, line 19 through page 21, line 6.), (b) means for
generating search results using, at least, the searchable data
structure (This is supported, for example, by 440 and 460 of
Figure 4, page 16, lines 25-30, 620 of Figure 6, and page 20,
lines 6-9.), and (c) means for providing one or more ads from
the advertisement information, automatically, independent of
end user acts, and responsive to the search query, using, at
least, the generated search results (This is supported, for
example, by 420, 470, 472 and 480 of Figure 4, page 17, lines
4-14, 710 and 720 of Figure 7, and page 23, line 11 through
page 24, line 14.).

Separately argued dependent claim 27 further defines
a means-plus-function element and recites means for providing
one or more ads from the advertisement information include (1)
means for determining at least one Web page identifier from

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the search results, and (2) means for looking up the one or more ads from the advertisement information using the determined at least one Web page indicator. (This is supported, for example, by 420, 470, 472 and 480 of Figure 4, page 17, lines 4-14, page 19, lines 8-25, 640 of Figure 6, page 20, lines 10 and 11, 710 of Figure 7, and page 23, line 11 through page 24, line 14.)

Independent claim 28 recites apparatus comprising (a) an input for accepting a search query (This is supported, for example, by 410 and 440 of Figure 4, page 16, lines 16-24, 732 of Figure 7, and page 23, line 11 through page 24, line 14.), (b) means for searching, using information from the search query, a searchable data structure including advertiser Web page information to generate search results (This is supported, for example, by 440 and 460 of Figure 4, page 16, line 25 through page 17, line 1, 710 and 720 of Figure 7, and page 23, line 11 through page 24, line 14.), and (c) means for retrieving, automatically, independent of end user acts, and responsive to the search query, at least one advertisement using at least a portion of the accepted search results (This is supported, for example, by 420, 470, 472 and 480 of Figure 4, page 17, lines 4-14, 710 and 720 of Figure 7, and page 23, line 11 through page 24, line 14.) wherein the at least one advertisement is retrieved from a set of advertiser information, the set of advertiser information including information identifying advertiser Web pages (This is supported, for example, by 420, 470, 472 and 480 of Figure 4, page 17, lines 4-14, page 19, lines 8-25, 640 of Figure 6, and page 20, lines 10 and 11.), and wherein the searchable data structure including advertiser Web page information is generated from information automatically extracted exclusively

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from the identified advertiser Web pages without the need for expressly entered advertiser entered targeting information (This is supported, for example, by 460, 462, 470 and 472 of Figure 4, 510 and 520 of Figure 5, page 5, lines 7-13, page 19, lines 8-25, and page 20, line 19 through page 21, line 6.).

Separately argued dependent claim 42 further defines a means-plus-function element and recites means for generating a document including (1) search results determined using the search query and a second searchable data structure, and (2) the at least one advertisement. (This is supported, for example, by 410, 420, 460, 480 and 490 of Figure 4, page 17, lines 25-29, 710 of Figure 7, page 23, line 11 through page 24, line 14, 848 of Figure 8, and page 25, lines 12 and 13.)

VI. Grounds of Rejection to be Reviewed on Appeal

The issues presented for review are whether:

(1) (separately patentable and argued groups of) claims 6-16, 23-28 and 33-43 were properly rejected under U.S.C. § 103(a) as being unpatentable over the Radwin patent in view of the Paine patent; and

(2) claims 2-5 and 29-32 were properly rejected under U.S.C. § 103(a) as being unpatentable over the Radwin and Paine patents and further in view of the Spencer patent.

VII. Argument

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The appellant respectfully requests that the Board reverse the final rejection of claims 2-16 and 23-43 in view of the following.

Rejections under 35 U.S.C. § 103

Claims 6-16, 23-28 and 33-43 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Radwin patent in view of the Paine patent. The appellant respectfully requests that the Board reverse this ground of rejection in view of the following.

Group I: Claims 6, 28 and 33-41

Independent claims 6 and 28 are not rendered obvious by the Radwin and Paine patents at least because these patents neither teach, nor make obvious, either (1) an act of (or means for) retrieving **advertisements automatically, independent of end user acts, and following the acceptance of the search query (i.e., responsive to a search query)**, or (2) a searchable data structure generated from information **automatically extracted exclusively** from advertiser Web pages without the need for expressly entered advertiser entered targeting information.

Embodiments consistent with the claimed invention automatically determine advertisements to be served by searching and retrieving advertiser information from searchable data structures, for example, which contain information automatically extracted exclusively from identified advertiser Web pages. Thus, in such embodiments consistent with the claimed invention, information used to

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target the serving of ads does not have to be expressly entered by the advertiser. For example, the searchable data structure (e.g., element 460 of Figure 4) may be automatically generated using information extracted or derived from the advertiser's Web page(s) and/or web site(s) prior to a user search query being entered, for example. When a user subsequently enters a search query, relevant ads may be automatically retrieved, independent of end user acts, using the automatically generated searchable data structure. (See, e.g., page 5, lines 7-15 of the present application.) These ads may then be served with general web content returned by a search engine responsive to the user search query.

This allows for the **automatic determination of ads**, for example, to be served **without an advertiser having to determine what ad serve targeting information (e.g., key words) would be most relevant for their ads**. This advantageously assists advertisers since some advertisers may find entering and/or maintaining keyword targeting information difficult, or at least tedious. (See, e.g., page 4, lines 6-18 and page 5, lines 1-3 of the present application.)

By contrast, the Radwin patent concerns serving both "immediate" ads, and "time-dependent" ads. An immediate ad is presented to a user with an associated search results page, while a time-dependent ad is provided with a web page presented to a user after the display of the search results page (until a period of time expires). (See, e.g., the Abstract.) An immediate ad is determined based on a current search query, while a time-dependent ad is determined based on past search query information of a user, stored in a user profile. The search term index 24, used to provide immediate advertisements, is organized as a table of match tags 27 and a list of numbers 29 which correspond to advertisement types.

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Advertisement types and **keyword match tags are _placed_ in the
search term index and advertising repository** corresponding to
appropriate match tags 27 **by an editorial staff using the
experience and _suggestions of advertisers_.** (See, e.g., col.
7, lines 52-62). Furthermore, in some cases the editorial
staff also evaluates each advertisement submission and adds a
keyword flag for immediate presentation with the search
results page and/or an advertising importance weight value.
(See, e.g., col. 8, line 67 to col. 9, line 3). Finally,
search results, generated by a search engine 52 for example,
are presented to the user along with the determined immediate
ad.

As can be appreciated from the foregoing, the Radwin
patent does <u>not</u> describe searching and retrieving advertiser
information from searchable data structures which contain
information automatically extracted exclusively from
identified advertiser Web pages. Thus, in the Radwin patent,
targeting information must be expressly and manually entered
by an editorial staff. Further, the Radwin patent does <u>not</u>
describe using Web page identifiers included in advertisement
search results to retrieve one or more advertisements.

The Examiner concedes that the Radwin patent does <u>not</u>
explicitly teach retrieving, automatically, independent of end
user acts, and responsive to the search query, at least one
advertisement wherein the searchable data structure including
advertiser Web page information (which was used to determine
advertisement search results) is generated from information
automatically extracted exclusively from the identified
advertiser Web pages without the need for expressly entered
advertiser entered targeting information. (See Paper No.
20080410, page 3.) However, the Examiner cites the Abstract,
Figure 10, column 20, lines 50-67 and column 24 lines 35-67 of

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the Paine patent as teaching these features. (See Paper No. 20080410, page 3.) For reasons discussed below, the appellant respectfully disagrees.

The Paine patent is concerned with "make[ing] search term recommendations to advertisers managing their accounts." (Abstract of the Paine patent) The Paine patent provides advertisers with a tool for finding good **search terms** (not for finding advertisements) for an advertiser's Website while getting rid of the bad ones. (See, e.g., column 2, lines 47-49 of the Paine patent.) Indeed, in combining the Paine patent with the Radwin patent the Examiner states:

> . . .it would have been obvious to one of ordinary skill in the art at the time invention was made to combine the teachings of the cited references to provide automatically, independent of end user acts, and response to the search query, wherein the searchable data structure including advertiser Web page information is generated from information automatically extracted exclusively from the identified advertiser Web pages without the need for expressly entered advertiser entered targeting information as disclosed by Paine *because it would provide advertisers to find all of the good search terms for his advertiser's website while getting rid off the bad ones in order to reduce bid on a wide variety of search terms so that to maximum the traffic to their advertiser's site.* [sic] [Emphasis added.]

(Paper No. 20080410, pages 3 and 4)

As can be appreciated from the foregoing, the Examiner contends that the Paine patent teaches retrieving **search terms**, automatically, independent of end user acts, and

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responsive to the search query. However, the phrase "automatically, independent of end user acts, and responsive to the search query" recited in the claimed invention refers to the automatic retrieval of **advertisements** using the accepted advertisement search results which were obtained using a searchable data structure including advertiser Web page information. That is, the advertisements in the claimed invention are retrieved (1) automatically, (2) independent of end user acts (e.g., a user selection of a link), and (3) responsive to the accepted search query. The portions of the Paine patent cited by the Examiner neither teach, nor make obvious, retrieving, automatically, independent of end user acts, and responsive to the search query, at least one **advertisement** using at least a portion of the accepted advertisement search results. In summary, **finding suggested search terms** in the Paine patent, either taken alone or in combination with the Radwin patent, neither teaches, nor makes obvious, **finding advertisements** as claimed.

In light of the foregoing remarks, claims 6 and 28 are not rendered obvious by the Radwin and Paine patents. Since claims 33-41 directly or indirectly depend from claim 28, these claims are similarly not rendered obvious by the cited references.

Group II: Claims 10, 7-9, 11 and 12

Independent claim 10 is not rendered obvious by the Radwin and Paine patents at least because these patents neither teach, nor make obvious, either (1) an act of retrieving **advertisements automatically, independent of end user acts, and following the acceptance of the search query (i.e., responsive to a search query)**, or (2) that the act of retrieving advertisements uses Web page identifiers included

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in the advertisement search results to lookup an advertisement having a landing page corresponding to at least one of the Web page identifiers.

First, as discussed above with reference to the claims of Group I, the Radwin and Paine patents neither teach, nor make obvious, an act of retrieving **advertisements automatically, independent of end user acts, and following the acceptance of the search query (i.e., responsive to a search query).** Specifically, the Examiner concedes that the Radwin patent does <u>not</u> explicitly teach retrieving, automatically, independent of end user acts, and responsive to the search query, at least one advertisement wherein the searchable data structure including advertiser Web page information (which was used to determine advertisement search results) is generated from information automatically extracted exclusively from the identified advertiser Web pages without the need for expressly entered advertiser entered targeting information. (See Paper No. 20080410, pages 4 and 5.) Furthermore, the Examiner contends that the Paine patent teaches retrieving, automatically, independent of end user acts, and responsive to the search query, **suggested search terms which are to be recommended to an advertiser.** (Paper No. 20080410, pages 4 and 5) However, the phrase "automatically, independent of end user acts, and responsive to the search query" recited in the claimed invention refers to the automatic retrieval of **advertisements to be presented to an end user** using the accepted advertisement search results which were obtained using a searchable data structure including advertiser Web page information. That is, the advertisements in the claimed invention are retrieved (1) automatically, (2) independent of end user acts (e.g., independent of a user selection of a link such as in the Radwin patent), and (3) responsive to the

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accepted search query. Thus, as discussed above with respect to the claims of Group I, the portions of the Paine patent cited by the Examiner neither teach, nor make obvious, retrieving, automatically, independent of end user acts, and responsive to the search query, at least one **advertisement** using at least a portion of the accepted advertisement search results.

Second, the Radwin and Paine patents neither teach, nor make obvious, that the act of retrieving at least one advertisement using at least a portion of the accepted advertisement search results **uses Web page identifiers included in the advertisement search results to lookup an advertisement having a landing page corresponding to at least one of the Web page identifiers.**

The Examiner concedes that the Radwin patent does not teach that the act of retrieving at least one advertisement using at least a portion of the accepted advertisement search results uses Web page identifiers included in the advertisement search results to lookup an advertisement having a landing page corresponding to at least one of the Web page identifiers (See Paper No. 20086410, pages 4 and 5). Furthermore, the portions of the Paine patent cited by the Examiner correspond to either the recommendation of **search terms** to advertisers or the selection/designation of **search terms** by advertisers. Nowhere does the Paine patent even remotely suggest that an act of retrieving at least one **advertisement** uses Web page identifiers included in the advertisement search results to lookup an advertisement having a landing page corresponding to at least one of the Web page identifiers.

In light of the foregoing remarks, independent claim 10 is not rendered obvious by the Radwin and Paine patents.

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Since claims 7-9, 11 and 12 directly or indirectly depend from claim 10, these claims are similarly not rendered obvious by the cited references.

Group III: Claims 13 and 14

Independent claim 13 is not rendered obvious by the Radwin and Paine patents at least because these patents neither teach, nor make obvious, an act of retrieving **advertisements automatically, independent of end user acts, and following the acceptance of the search query (i.e., responsive to a search query)**, or (2) that the acts of searching the searchable data structure and retrieving at least one advertisement may be performed without consideration of expressly entered targeting information.

First, as discussed above with reference to the claims of Group I, the Radwin and Paine patents neither teach, nor make obvious, an act of retrieving **advertisements automatically, independent of end user acts, and following the acceptance of the search query (i.e., responsive to a search query)**. Specifically, the Examiner concedes that the Radwin patent does <u>not</u> explicitly teach retrieving, automatically, independent of end user acts, and responsive to the search query, at least one advertisement wherein the searchable data structure including advertiser Web page information (which was used to determine advertisement search results) is generated from information automatically extracted exclusively from the identified advertiser Web pages without the need for expressly entered advertiser entered targeting information. (See Paper No. 20080410, pages 4 and 5.) Furthermore, the Examiner contends that the Paine patent teaches retrieving, automatically, independent of end user acts, and responsive to the search query, **search terms which are to be recommended to**

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an advertiser. (Paper No. 20080410, pages 4 and 5) However, the phrase "automatically, independent of end user acts, and responsive to the search query" recited in the claimed invention refers to the automatic retrieval of **advertisements to be presented to an end user** using the accepted advertisement search results which were obtained using a searchable data structure including advertiser Web page information. That is, the advertisements in the claimed invention are retrieved (1) automatically, (2) independent of end user acts (e.g., a user selection of a link), and (3) responsive to the accepted search query. Thus, as discussed above with respect to the claims of Group I, the portions of the Paine patent cited by the Examiner neither teach, nor make obvious, retrieving, automatically, independent of end user acts, and responsive to the search query, at least one **advertisement** using at least a portion of the accepted advertisement search results.

Second, the Radwin and Paine patents neither teach, nor make obvious, that the acts of searching the searchable data structure and retrieving at least one advertisement may be performed without consideration of expressly entered targeting information. The Examiner concedes that the Radwin patent does not teach that the acts of searching the searchable data structure and retrieving at least one advertisement may be performed without consideration of expressly entered targeting information. (See Paper No. 20080410, page 7.) Furthermore, the portions of the Paine patent cited by the Examiner correspond to either the recommendation of search terms to advertisers or the selection/designation of search terms by advertisers. In the Paine patent, an advertiser must **expressly accept or reject the terms which are to be used to**

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target the advertiser ads presented to them. Specifically, the Paine patent provides:

> The method now enters its main loop, including blocks 1014, 1016, 1018, 1020. During each iteration, it runs the collaborative filtering algorithm, block 1016, displays a sorted list of recommended search terms, and allows the advertiser to accept and reject terms, block 1018. In the exemplary embodiment, a web page including the recommended search terms is sent to the advertiser, providing a user interface for advertiser interaction with the system. ***The advertiser accepts and rejects terms by clicking on suitable check boxes next to the terms.*** [Emphasis added.]

(Column 24, lines 51-60 of the Paine patent) As can be appreciated from the foregoing and Figure 10 of the Paine patent, recommended search terms must be expressly accepted or rejected by the advertiser. Thus, the Paine patent does not teach or suggest that the acts of searching the searchable data structure and retrieving at least one advertisement may be performed without consideration of expressly entered targeting information.

In light of the foregoing remarks, independent claim 13 is not rendered obvious by the Radwin and Paine patents. Since claim 14 depends from claim 13, it is similarly not rendered obvious by the cited references.

Group IV: Claims 15, 16, 42 and 43

Claims 15 and 16 directly or indirectly depend from independent claim 10, and claims 42 and 43 directly or indirectly depend from independent claim 28. Therefore, these claims are not rendered obvious by the Radwin and Paine

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patents for at least the reasons discussed with respect to the claims of Group II above.

In addition, claims 15 and 42 further recite an act of (or means for) generating a document including (1) search results determined using the search query and a second searchable data structure, and (2) the at least one advertisement. In rejecting claim 15, the Examiner cites element 22 of Figure 22 and column 8, lines 8-20 of the Radwin patent as teaching this feature. (Paper No. 20080410, page 7.) The appellant respectfully disagrees.

The portion of the Radwin patent cited by the Examiner states:

> Referring back to FIG. 2, after ad server 54 receives user info 64 from user profiler 22, the ad server uses the search terms 48 to search though the search term index database 24 to find corresponding advertisement type numbers. Since the match tags shown are text, "matching" occurs when the record contains the match tag as a string or sub-string of the search terms. Upon matching search terms to the tags of each of the records 25, the search term index database 24 then provides a match list 46 back to the ad server. Referring back to the example, after a user's first two search queries (i.e., "French," "Resort," "Rental," and "Car"), a match list will be returned to ad server 54 including at least advertisement types 2, 4, 19, 26, 93, 441, and 593.

(Column 8, lines 8-20 of the Radwin patent) As can be appreciated from the foregoing, a match list will be returned to ad server 54 including at least advertisement types 2, 4, 19, 26, 93, 441, and 593. However, returning a match list which includes the advertisement types described in the Radwin

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patent does not teach or suggest generating a document including both **search results and advertisements.** The search results and advertisements in the claimed invention are separate and distinct features recited in the claims. The Examiner is apparently interpreting the match list returned to the ad server as the generated document. However, under the Examiner's interpretation, the search results and advertisements are the same. Thus, even under the Examiner interpretation. the Radwin patent does not teach or suggest generating a document including both **search results and advertisements.** The purported teachings of the Paine patent fail to compensate for the aforementioned deficiencies of the Radwin patent.

Thus, in light of the foregoing remarks, dependent claims 15 and 42 are not rendered obvious by the Radwin and Paine patents for at least this additional reason. Since claim 16 depends from claim 15, and since claim 43 depends from claim 42, these claims are similarly not rendered obvious by the cited references.

Group V: Claim 23

Independent claim 23 is not rendered obvious by the Radwin and Paine patents at least because these patents neither teach, nor make obvious, (a) a first index including information derived from Web pages of the World Wide Web, (b) a second index including information automatically derived exclusively from Web pages of advertisers without the need for expressly entered advertiser entered targeting information; and (c) a query processor to (1) accept a search query, (2) obtain search results to the search query using the first index, (3) obtain advertisements, automatically, independent

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of end user acts, and responsive to the search query, using the second index, and (4) output the obtained search results and the obtained advertisements.

First, in rejecting claim 23, the Examiner contends that the advertiser repository 20 of the Radwin patent teaches a first index including information derived from Web pages of the World Wide Web. However, the portion of the Radwin patent cited by the Examiner as teaching this feature states that the advertiser repository 20 merely contains:

> . . .a large number of records 38 in a
> table data structure associated with a
> number of advertisements for
> presentation to a user. More
> specifically, each record 38 is shown
> to include an advertisement type number
> 40, an advertising type 42, one or more
> advertisements 44 (e.g., individual
> advertisements A1, A2, ... , An) and a
> keyword flag 45.

(Column 8, lines 33-38 of the Radwin patent) As can be appreciated from the foregoing and Figure 5 of the Radwin patent, there is no clear teaching or suggestion that this information includes information **derived from Web pages of the World Wide Web.**

Second, the Examiner contends column 5, lines 17-19 of the Radwin patent teaches obtaining advertisements using a second index. However, the cited portion of the Radwin patent provides:

> . . .one or more search terms 30 and
> uses the search terms to find
> advertisements in advertisement
> repository 20 that, among other things,
> match the one or more search terms of a
> search query.

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(Column 5, lines 17-19 of the Radwin patent) As can be appreciated from the foregoing, there is no mention or suggestion of a **second index** from which advertisements are obtained. As discussed above, the Examiner is interpreting the ad repository 20 as the claimed first index. Thus, the portion of the Radwin patent cited by the Examiner does not teach or suggest obtaining advertisements using a second index.

Finally, the Examiner contends that although the Radwin patent purportedly teaches obtaining advertisements using a second index, it does not do so automatically, independent of end user acts, and responsive to a search query. To compensate for this admitted deficiency of the Radwin patent, the Examiner contends that the Paine patent teaches retrieving, automatically, independent of end user acts, and responsive to the search query, **search terms which are to be recommended to an advertiser.** (Paper No. 20080410, page 8.) However, the phrase "automatically, independent of end user acts, and responsive to the search query" recited in the claimed invention refers to the automatically obtaining **advertisements to be presented to an end user** using the accepted advertisement search results which were obtained using a searchable data structure including advertiser Web page information. Returning suggested search terms to an advertiser neither teaches, nor makes obvious, returning advertisements to an end user. That is, the advertisements in the claimed invention are obtained (1) automatically, (2) independent of end user acts (e.g., a user selection of a link), and (3) responsive to the accepted search query using the second index. Thus, as discussed above with respect to the claims of Group I, the portions of the Paine patent cited by the Examiner neither teach, nor make obvious, obtaining

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advertisements, automatically, independent of end user acts, and responsive to the search query, using at least a second index including information automatically derived exclusively from Web pages of advertisers without the need for expressly entered advertiser entered targeting information.

In light of the foregoing remarks, independent claim 23 is not rendered obvious by the Radwin and Paine patents.

Group VI: Claims 24-26

Independent claim 24 is not rendered obvious by the Radwin and Paine patents at least because these patents neither teach, nor make obvious, means for providing one or more ads from advertisement information, automatically, independent of end user acts, and responsive to the search query, using, at least, generated search results.

The Examiner contends that although the Radwin patent purportedly teaches providing one or more ads from the advertisement information using, at least, the generated search results, it does not do so automatically, independent of end user acts, and responsive to a search query. (Paper No. 20080410, page 9.) To compensate for this admitted deficiency of the Radwin patent, the Examiner contends that the Paine patent teaches retrieving, automatically, independent of end user acts, and responsive to the search query, *search terms which are to be recommended to an advertiser.* (Paper No. 20080410, pages 9 and 10.) However, the phrase "automatically, independent of end user acts, and responsive to the search query" recited in the claimed invention refers to the automatically obtaining *advertisements to be presented to an end user* using the accepted advertisement search results which were obtained using a searchable data structure including advertiser Web page

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information. That is, the advertisements in the claimed
invention are provided (1) automatically, (2) independent of
end user acts (e.g., a user selection of a link), and (3)
responsive to a search query using, at least, generated search
results. Thus, as discussed above with respect to the claims
of Group I, the portions of the Paine patent cited by the
Examiner neither teach, nor make obvious, providing
advertisements, automatically, independent of end user acts,
and responsive to the search query, using, at least, the
generated search results.

In light of the foregoing remarks, independent claim 24
is not rendered obvious by the Radwin and Paine patents.
Since claims 25 and 26 directly or indirectly depend from
claim 24, these claims are similarly not rendered obvious by
the Radwin and Paine patents.

Group VII: Claim 27

Claim 27 depends from independent claim 24 and is
therefore not rendered obvious by the Radwin and Paine patents
for at least the reasons discussed with respect to the claims
of Group VI above. In addition, claim 27 further recites a
means for providing one or more ads from the advertisement
information include (1) means for determining at least one Web
page identifier from the search results, and (2) means for
looking up the one or more ads from the advertisement
information using the determined at least one Web page
indicator. In rejecting claim 27, the Examiner cites Figure
10 and column 24, lines 35-67 of the Paine patent as teaching
these features. (Paper No. 20080410, page 10.) The
appellant respectfully disagrees.

The portions of the Paine patent cited by the Examiner
correspond to either the **recommendation of search terms to**

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advertisers or the selection/designation of search terms by advertisers. Nowhere does the Paine patent even remotely suggest a means for providing one or more ads from the advertisement information includes (1) means for determining at least one Web page identifier from the search results, and (2) means for looking up the one or more ads from the advertisement information using the determined at least one Web page indicator. That is, the recommendation of search terms to advertisers or the selection/designation of search terms by advertisers does not teach or suggest a means for providing ads including a means for looking up the one or more ads from the advertisement information using a determined Web page indicator. The purported teachings of the Radwin patent fail to compensate for the aforementioned deficiencies of the Paine patent.

In light of the foregoing remarks, dependent claim 27 is not rendered obvious by the Radwin and Paine patents.

Group VIII: Claims 2-5 and 29-32

Claims 2-5 and 29-32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Radwin and Paine patents and further in view of the Spencer patent. The appellant respectfully requests that the Board reverse this ground of rejection in view of the following.

Dependent claims 2-5 and 29-32 depend from independent claims 10 and 28, respectively. The purported teachings of the Spencer patent do not compensate for the deficiencies of the Radwin and Paine patents (discussed above), regardless of the presence or absence of an obvious reason to modify the Radwin and Paine patents in view of the purported teachings of the Spencer patent. Therefore, these claims are not rendered obvious by the Radwin, Paine and Spencer patents for at least

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the reasons discussed with respect to the claims of Group I above.

XIII. Claims appendix

An appendix containing a copy of the claims on appeal is filed herewith.

IX. Evidence appendix

There is no evidence submitted pursuant to 37 C.F.R. §§ 1.130, 1.131, or 1.132, nor is there any other evidence entered by the Examiner and relied upon by the appellant in the appeal.

X. Related proceedings appendix

There are no decisions rendered by a court of the Board in any proceeding identified in section II above pursuant to 37 C.F.R. § 41.38 (c) (1) (ii).

Conclusion

In view of the foregoing, the appellant respectfully submits that the pending claims are in condition for allowance. Accordingly, the appellant requests that the Board reverse each of the outstanding grounds of rejection.

Any arguments made in this Appeal Brief pertain *only* to the specific aspects of the invention *claimed*. Any arguments

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are made *without prejudice to, or disclaimer of*, the
appellant's right to seek patent protection of any unclaimed
(e.g., narrower, broader, different) subject matter, such as
by way of a continuation or divisional patent application for
example.

Since the appellant's remarks, amendments, and/or filings
with respect to the Examiner's objections and/or rejections
are sufficient to overcome these objections and/or rejections,
the appellant's silence as to assertions by the Examiner in
the Office Action and/or to certain facts or conclusions that
may be implied by objections and/or rejections in the Office
Action (such as, for example, whether a reference constitutes
prior art, whether references have been properly combined or
modified, whether dependent claims are separately patentable,
etc.) is not a concession by the appellant that such
assertions and/or implications are accurate, and that all
requirements for an objection and/or a rejection have been
met. Thus, the appellant reserves the right to analyze and
dispute any such assertions and implications in the future.

Respectfully submitted,

January 20, 2009

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper (and any accompanying paper(s)) is being facsimile transmitted to the United States Patent Office on the date shown below.

Leonard P. Linardakis
_____
Type or print name of person signing certification

_____   January 20, 2009
Signature   Date

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CLAIMS APPENDIX PURSUANT TO
37 C.F.R. § 41.37 (c) (1) (viii)

Claim 1 (canceled)

1 Claim 2 (previously presented): The method of claim 10
2 wherein the searchable data structure is an inverted
3 index.

1 Claim 3 (original): The method of claim 2 wherein the
2 inverted index includes entries, each entry including a
3 term and one or more Web page identifiers.

1 Claim 4 (original): The method of claim 2 wherein the
2 inverted index includes entries, each entry including a
3 term and one or more pairs, each pair including a Web
4 page identifier and a term count.

1 Claim 5 (previously presented): The method of claim 2
2 wherein the inverted index includes entries, each entry
3 including a term extracted from advertiser Web pages and
4 one or more Web page identifiers that identify advertiser
5 Web pages in which the term appears.

1 Claim 6 (previously presented): A method comprising:
2   a)   accepting a search query;
3   b)   searching, using information from the search
4   query, a searchable data structure including
5   advertiser Web page information to generate
6   advertisement search results;
7   c)   accepting the advertisement search results; and

1

8   d) retrieving, automatically, independent of end

9   user acts, and responsive to the search query, at

10   least one advertisement using at least a portion of

11   the accepted advertisement search results,

12   wherein the at least one advertisement is retrieved

13 from a set of advertiser information, the set of

14 advertiser information including information identifying

15 advertiser Web pages, and

16   wherein the searchable data structure including

17 advertiser Web page information is generated from

18 information automatically extracted exclusively from the

19 identified advertiser Web pages without the need for

20 expressly entered advertiser entered targeting

21 information.

1 Claim 7 (previously presented): The method of claim 10

2 wherein each of the advertisement search results have a

3 score.

1 Claim 8 (previously presented): The method of claim 7

2 further comprising:

3   e) scoring, using at least the advertisement search

4   result scores, at least some of the retrieved at

5   least one advertisement.

1 Claim 9 (previously presented): The method of claim 7

2 further comprising:

3   e) scoring, using at least the advertisement search

4   result scores and further using at least one of (1)

5   ad performance information, (2) ad price information

6   (3) advertiser quality information, and (4) user

2

7   information, at least some of the retrieved at least
8   one advertisement.

1 Claim 10 (previously presented): A method comprising:
2   a) accepting a search query;
3   b) searching, using information from the search
4   query, a searchable data structure including
5   advertiser Web page information to generate
6   advertisement search results;
7   c) accepting the advertisement search results; and
8   d) retrieving, automatically, independent of end
9   user acts, and responsive to the search query, at
10   least one advertisement using at least a portion of
11   the accepted advertisement search results,
12   wherein the searchable data structure includes
13   entries, each entry including a term automatically and
14   exclusively extracted from the advertiser Web page
15   information and one or more Web page identifiers, and
16   wherein the act of retrieving at least one
17   advertisement using at least a portion of the accepted
18   advertisement search results uses Web page identifiers
19   included in the advertisement search results to lookup an
20   advertisement having a landing page corresponding to at
21   least one of the Web page identifiers.

1 Claim 11 (original): The method of claim 10 wherein the
2 Web page identifiers are used as lookup keys to a
3 database of advertisement information.

1 Claim 12 (previously presented): The method of claim 10
2 wherein the at least one advertisement is not one of the
3 accepted search results.

3

1 Claim 13 (previously presented): A method comprising:
2   a) accepting a search query;
3   b) searching, using information from the search
4   query, a searchable data structure including
5   advertiser Web page information to generate
6   advertisement search results;
7   c) accepting the advertisement search results; and
8   d) retrieving, automatically, independent of end
9   user acts, and responsive to the search query, at
10   least one advertisement using at least a portion of
11   the accepted advertisement search results,
12   wherein the acts of searching the searchable data
13 structure and retrieving at least one advertisement may
14 be performed without consideration of expressly entered
15 targeting information.

1 Claim 14 (previously presented): The method of claim 13
2 wherein the targeting information includes keyword
3 targeting information.

1 Claim 15 (previously presented): The method of claim 10
2 further comprising:
3   e) generating a document including (1) search
4   results determined using the search query and a
5   second searchable data structure, and (2) the at
6   least one advertisement.

1 Claim 16 (original): The method of claim 15 wherein a
2 format of each of the search results is different from a
3 format of each of the at least one advertisement.

Claims 17-22 (canceled)

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1   Claim 23 (previously presented): A search engine

2   comprising:

3   a) a first index including information derived from

4   Web pages of the World Wide Web;

5   b) a second index including information

6   automatically derived exclusively from Web pages of

7   advertisers without the need for expressly entered

8   advertiser entered targeting information; and

9   c) a query processor to accept (1) a search query,

10   (2) obtain search results to the search query using

11   the first index, (3) obtain advertisements,

12   automatically, independent of end user acts, and

13   responsive to the search query, using the second

14   index, and (4) output the obtained search results

15   and the obtained advertisements.

1   Claim 24 (previously presented): Apparatus comprising:

2   a) a storage facility including:

3   1) advertisement information including ads,

4   and

5   2) a searchable data structure including

6   advertiser Web page information generated from

7   information automatically and exclusively

8   extracted from the identified advertiser Web

9   pages without the need for expressly entered

10   advertiser entered targeting information;

11   b) means for generating search results using, at

12   least, the searchable data structure; and

13   c) means for providing one or more ads from the

14   advertisement information, automatically,

15   independent of end user acts, and responsive to the

5

16   search query, using, at least, the generated search
17   results.

1   Claim 25 (original): The apparatus of claim 24 wherein
2   the advertisement information includes records, each
3   record including an ad and an advertiser Web page
4   identifier.

1   Claim 26 (original): The apparatus of claim 25 wherein
2   the advertiser Website information included in the
3   searchable data structure is derived from the advertiser
4   Web page identifiers included in records of the
5   advertisement information.

1   Claim 27 (original): The apparatus of claim 24 wherein
2   the means for providing one or more ads from the
3   advertisement information includes
4   1)   means for determining at least one Web page
5   identifier from the search results, and
6   2)   means for looking up the one or more ads
7   from the advertisement information using the
8   determined at least one Web page indicator.

1   Claim 28 (previously presented): Apparatus comprising:
2   a)   an input for accepting a search query;
3   b)   means for searching, using information from the
4   search query, a searchable data structure including
5   advertiser Web page information to generate search
6   results; and
7   c)   means for retrieving, automatically, independent
8   of end user acts, and responsive to the search

6

9   query, at least one advertisement using at least a
10   port⁚on of the accepted search results,
11   wherein the at least one advertisement is retrieved
12 from a set of advertiser information, the set of
13 advertiser information including information identifying
14 advertiser Web pages, and
15   wherein the searchable data structure including
16 advertiser Web page information is generated from
17 information automatically extracted exclusively from the
18 identified advertiser Web pages without the need for
19 expressly entered advertiser entered targeting
20 information.

1 Claim 29 (original): The apparatus of claim 28 wherein
2 the searchable data structure is an inverted index.

1 Claim 30 (original): The apparatus of claim 29 wherein
2 the inverted index includes entries, each entry including
3 a term and one or more Web page identifiers.

1 Claim 31 (original): The apparatus of claim 29 wherein
2 the inverted index includes entries, each entry including
3 a term and one or more pairs, each pair including a Web
4 page identifier and a term count.

1 Claim 32 (previously presented): The apparatus of claim
2 29 wherein the inverted index includes entries, each
3 entry including a term extracted from advertiser Web
4 pages and one or more Web page identifiers that identify
5 advertiser Web pages in which the term appears.

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Claim 33 (original): The apparatus of claim 28 wherein
the at least one advertisement is retrieved from a set of
advertiser information, the set of advertiser information
including information identifying advertiser Web pages,
and
        wherein the searchable data structure including
advertiser Web page information includes information
extracted exclusively from the identified advertiser Web
pages.

Claim 34 (original): The apparatus of claim 28 wherein
each of the search results have a score.

Claim 35 (original): The apparatus of claim 34 further
comprising:
        d) means for scoring, using at least the search
        result scores, at least some of the retrieved at
        least one advertisement.

Claim 36 (original): The apparatus of claim 34 further
comprising:
        d) means for scoring, using at least the search
        result scores and further using at least one of (1)
        ad performance information, (2) ad price information
        (3) advertiser quality information, and (4) user
        information, at least some of the retrieved at least
        one advertisement.

Claim 37 (original): The apparatus of claim 28 wherein
the searchable data structure includes entries, each
entry including a term and one or more Web page
identifiers, and

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5   wherein the means for retrieving at least one
6   advertisement using at least a portion of the accepted
7   search results uses Web page identifiers included in the
8   search results.

1   Claim 38 (original): The apparatus of claim 37 wherein
2   the Web page identifiers are used as lookup keys to a
3   database of advertisement information.

1   Claim 39 (original): The apparatus of claim 28 wherein
2   the at least one advertisement is not one of the accepted
3   search results.

1   Claim 40 (original): The apparatus of claim 28 wherein
2   the means for retrieving at least one advertisement does
3   not consider expressly entered targeting information.

1   Claim 41 (original): The apparatus of claims 28 wherein
2   the means for retrieving at least one advertisement does
3   not consider keyword targeting information.

1   Claim 42 (original): The apparatus of claim 28 further
2   comprising:
3   d) means for generating a document including (1)
4   search results determined using the search query and
5   a second searchable data structure, and (2) the at
6   least one advertisement.

1   Claim 43 (original): The apparatus of claim 42 wherein a
2   format of each of the search results is different from a
3   format of each of the at least one advertisement.

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EVIDENCE APPENDIX PURSUANT TO
37 C.F.R. § 41.37 (c) (1) (ix)

There is no evidence submitted pursuant to 37 C.F.R. §§ 1.130, 1.131, or 1.132, nor is there any other evidence entered by the Examiner and relied upon by the appellant in the appeal.

RELATED PROCEEDINGS APPENDIX PURSUANT
TO 37 C.F.R. § 41.37 (c) (1) (x)

There are no decisions rendered by a court of the
Board in any proceeding identified in section II of the
Appeal Brief pursuant to 37 C.F.R. § 41.37 (c) (1) (ii).

Claims 44-49 (canceled)

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